

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOHN THOMAS AZURE,

Defendant.

CR 19-87-GF-BMM-JTJ

FINDINGS AND
RECOMMENDATIONS

I. Synopsis

Defendant JOHN THOMAS AZURE (Azure) has been accused of violating the conditions of his supervised release. (Doc. 133) Azure admitted the violations. Azure's supervised release should be revoked. Azure should be sentenced to custody for 3 months, with 117 months of supervised release to follow.

II. Status

On May 10, 2022, Azure plead guilty to the offense of Abusive Sexual Contact, in violation of 18 U.S.C. §§ 2244(a)(1), 1153(a) as charged in Count 1 of the Superseding Indictment. (Doc. 98). Azure was sentenced to TIME SERVED, followed by 10 years of supervised release. (Doc. 112). Azure's current term of supervised release began on August 9, 2022.

Petition

On August 27, 2024, the United States Probation Office filed a Petition requesting that the Court revoke Azure's supervised release. (Doc. 133). The Petition alleged Azure violated conditions of his supervised release by: (1) failing to comply with substance abuse testing requirements on March 19, 2025; (2) failing to comply with substance abuse testing requirements on March 31, 2025; (3) being in the company of a child under the age of 18 without permission of his probation officer on April 26, 2025; and (4) being terminated from sex offender treatment for noncompliance on April 26, 2025.

Initial Appearance

Azure appeared before the Court on May 20, 2025. Azure was represented by counsel. Azure stated that he had read the Petition and that he understood the allegations against him. Azure waived his right to a preliminary hearing. The parties consented to proceed with the revocation hearing before the undersigned.

Revocation Hearing

Azure appeared before the Court on May 20, 2025. Azure admitted that he had violated the conditions of supervised release as set forth in the Petition by: (1) failing to comply with substance abuse testing requirements on March 19, 2025; (2) failing to comply with substance abuse testing requirements on March 31, 2025; (3) being in the company of a child under the age of 18 without permission of his

probation officer on April 26, 2025; and (4) being terminated from sex offender treatment for noncompliance on April 26, 2025. Azure's admitted violations are serious and warrant revocation of his supervised release.

Sentencing hearing

Azure appeared before the Court on May 20, 2025. Azure's violations are Grade C. His criminal history category is I. Azure's underlying offense is a Class C felony. Azure could be incarcerated for up to 24 months. Azure could be ordered to remain on supervised release for up to 120 months less any custody time imposed. The United States Sentencing Guidelines call for a term of custody of 3 to 9 months.

III. Analysis

Azure's supervised release should be revoked. Azure should be sentenced to custody for 3 months, with 117 months of supervised release to follow.

IV. Conclusion

The Court informed Azure that the above sentence would be recommended to the Chief United States District Judge Brian Morris. The Court also informed Azure of his right to object to these Findings and Recommendations within 14 days of this issuance. The Court explained to Azure that Judge Morris would consider a timely objection before making a final determination on whether to revoke his supervised release and what, if any, sanction to impose.

The Court **FINDS**:

That JOHN THOMAS AZURE has violated the conditions of his supervised release by: (1) failing to comply with substance abuse testing requirements on March 19, 2025; (2) failing to comply with substance abuse testing requirements on March 31, 2025; (3) being in the company of a child under the age of 18 without permission of his probation officer on April 26, 2025; and (4) being terminated from sex offender treatment for noncompliance on April 26, 2025.

The Court **RECOMMENDS:**

That the District Court revoke Azure's supervised release and sentence Azure to custody for 3 months, with 117 months of supervised release to follow.

**NOTICE OF RIGHT TO OBJECT TO FINDINGS AND
RECOMMENDATIONS AND CONSEQUENCES OF FAILURE TO
OBJECT**

The parties may serve and file a written objections to the Findings and Recommendations within 14 days of their entry, as indicated on the Notice of Electronic Filing. 28 U.S.C. Section 636(b)(1). A United States district court judge will make a de novo determination regarding any portion of the Findings and Recommendations to which objection is made. The district court judge may accept, reject, or modify, in whole or in part, the Findings and Recommendations. Failure to timely file written objections may bar a de novo determination by the district court judge and may waive the right to appear and allocute before a district court judge.

DATED this 21st day of May 2025.



John Johnston
United States Magistrate Judge